IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 24402 of 2007(E)

(OPMV.1466/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOLLAM)

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PETITIONER:

SUJATHA,
SUJATHA MANDIRAM,
MEENADU, KOLLAM

BY ADV. SRI.PRATHEESH.P

RESPONDENTS:

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1. THE DIVISIONAL MANAGER
NATIONAL INSURANCE CO.LTD.
HOSPITAL ROAD, KOLLAM

2. R.RAJAN
SUJATHA MANDIRAM,
MAMPALLYKUNNAM, MEENAD
CHATHANNOOR, KOLLAM

3. GIREESH,
INDIRA BHAVAN, KOONAYIL,
PARAVUR, KOLLAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 24402 OF 2007 - E

Dated this the 10th day of August, 2007

J U D G M E N T

The petitioner challenges Ext.P1 award passed by the Motor Accidents Claims Tribunal, Kollam. The contention of the petitioner is that although the award is stated to be passed on the basis of settlement between parties as per a joint statement, the petitioner has not signed in the settlement and the Advocate appearing for the petitioner, without any instructions from the petitioner, signed the settlement. The petitioner therefore filed Ext.P2 application before the Tribunal for reopening the O.P.(M.V), which is not being considered by the Tribunal, is the grievance raised in this writ petition.

2. I have heard the counsel. Whatever be the contentions against Ext.P1, Ext.P1 is an award passed by the M.A.C.T. The Motor Vehicles Act provides for an appeal against the award passed by the M.A.C.T. The

remedy of the petitioner is therefore to file an appeal against Ext.P1 award. Without prejudice to such right, this writ petition is dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007